

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Civil Action

Plaintiff,

NO. 18- CV-00777-MEM-WIA

v.

EVANCHICK, et. al.,

Defendants.

FILED
SCRANTON

OCT 09 2018

WRIT OF ERROR
QUAE CORAM
NOBIS RESIDENT

PER
DEPUTY CLERK

THE COURT COMES NOW to review the facts, record, and process resulting in the rulings filed October 5, 2018 and signed by the magistrate William I. Arbuckle, ECF 17.

The record shows that this court of record held a hearing on October 5, 2018 for the purpose of considering plaintiff's action at law.

Plaintiff was present in personam, and defendants, though absent, were represented by counsel.

The record shows that the magistrate did not conduct a hearing in accordance with either the stated rules of court or the Law of the Case, and the transcript is not available.

The magistrate made it perfectly clear that the fact that this is a court of record was of no consequence to him. Further, without proper authority, the magistrate stepped out of his function as a magistrate and, by his actions and statements, figuratively assumed the cloak of a tribunal. The genius of a court of record is not to be undermined. It is the birthright of every American to settle issues in a court of record, if he so chooses.

The record of this court of record and its transcript shows that the rules of the court were not followed, that the magistrate attempted to function as a tribunal, and that the court was ineffective in furthering the goal of justice for all. These failures to follow the prescribed procedures are sufficiently disruptive to the goal of providing fair justice that the court finds it necessary to issue a writ of error quae coram nobis resident as follows:

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over →
97K. 10.5.18

THE COURT, HAVING REVIEWED THE FACTS, THE RECORD, AND THE PROCESS BY WHICH THE RULING WAS ISSUED, and finding that the magistrate rendered a ruling by applying rules from several jurisdictions foreign to this court without leave of court; and finding that the orderly decorum of the court was replaced by defective impromptu process and usurpation of legislative and court powers without leave of court,

And, finding that there is partial merit in the defendant's demurrer, namely that the action, though barely sufficient, should contain a complete statement of facts upon which to grant relief,

And, desiring that fair justice be served for all parties, defendant as well as plaintiff,

NOW THEREFORE, THE COURT issues this WRIT OF ERROR QUAE CORAM NOBIS RESIDANT, to wit:

Further, the court orders that in the interest of justice and fair play to all parties, plaintiff and defendants, and with the concurrence of plaintiff, that the action for trespass is dismissed with prejudice if the plaintiff does not file a first amended action on or before October 25, 2018.

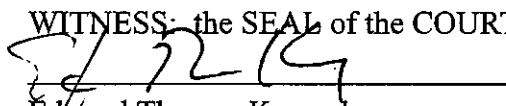
Further, the court orders that if the defendants choose to file an answer to the first amended action, then the filing fees paid for the answer filed under the rescinded court order are applied to that answer to the first amended action; for the court wills not the pains of its error on the defendants.

Further, the magistrate, plaintiff, and defendants are invited to each file and serve on all other interested parties a brief no later than November 25, 2018 to show cause to this court why this order should not take effect or should be modified. The court, mindful of the rights of the parties and the importance of fair play, will liberally construe the arguments presented.

THE COURT

WITNESS: the SEAL of the COURT this fifth day of October, 2018.

(SEAL)


Edward Thomas Kennedy

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Attornatus Privatus

CASE CONTENTS

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